

Notice of Allowability

Application No.

09/588,030

Examiner

OJO O. OYEBISI

Applicant(s)

CROOKSHANKS, REX J.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/06/05.
2. ☒ The allowed claim(s) is/are 1-7, 11-15 and 21-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Allowable Subject Matter

Claims 1-7, 11-13 and 21-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Re claims 1-7, 11, and 21-23. The prior art fails to teach, or suggest, the limitations of: a plurality of topological subdivision regions of at least one construction plan sheet, each of said plurality of subdivision regions uniquely identifying, delineating and locating a selected portion of the construction work, object or element depicted graphically on said at least one plan sheet. The closest prior art is also the **best U.S art:** Casto (US PAT 6038547), teaches computer-based tracking system and method for coordinating work done on a project and payment therefor. Casto further teaches "after a project has been partitioned by an architect, jobs are specified in terms of to which region or sub-region each entry corresponds. The (sub) contractors submit monthly Application and Certificate for Payment requests which are organized by the system to enable all the work in a particular region to be consolidated listed on a reviewer's card for ease of verification. Although, Casto mentions the term "region." However, Casto use of the term is entirely different from the applicant's use of the term. Casto's "region" is not a topological subdivision created electronically on plan sheet drawings and thereafter linked into a particular contract. The regions in Casto are defined by the architect and only defines areas on a real construction site. The disclosure of Casto taken alone or in combination with other relevant prior arts i.e., Wang et al (US PAT 5,129,061) and Bezos et al (US PAT 6,029,141), does not in any way reference the

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topological subdivision of construction plans in any way. Nor is there any reference to electronic overlays and orthogonal coordinates.

Re claims 12 and 13. The prior art further fails to teach, or suggest, the limitations of: a computer processing means connected to the memory means for superimposing overlay grid onto plans, and linking means connected to the memory means for linking the stored plan image and stored boundary information to at least one bidding contract. The closest prior art, Casto, only teaches the partitioning of a project/building into regions, wherein the partitioning is linked with a computer-aided design (CAD). The linking taught in Casto is meant for (sub)contractors to easily visualize what region each part of the project belongs. However, the linking disclosed supra by the claimed invention is for associating the stored plan image and boundary information to the bidding contract. The disclosure of Casto taken alone or in combination with other relevant prior arts i.e., Wang and Bezos, does not in any way reference superimposing overlay grid onto plans, and linking of overlay-defined regions or cells to a contract.

Re claims 14 and 15. All in all, the prior art fails to teach, or suggest an application computer program product for use in reducing errors and uncertainty in construction projects, comprising: first through fifth program code for carrying out all the method steps mentioned above. The closest prior art, Casto, also teaches computer program code, but the program code taught by Casto is for reading periodic updates from storage devices, glaringly different from the program code disclosed in the claimed invention. Furthermore, PR Newswire, cited prior art, (PNC Bank Launches Internet-

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Based Appraisal Ordering System For Commercial Real Estate Mortgages, New York: May 24, 1999 Pg 2) discloses an internet based appraisal ordering system for commercial real estate mortgages wherein project assignment are directly e-mailed to a select group of qualified third-party appraisers, and the vendors respond by logging into PNC secure website to enter their bid and other relevant information. PR newswire is directed to post construction appraisals, whereas the applicant invention is directed to solving pre-bid error and omission problem. Thus, this non-patent literature actually teaches away from pre-bid error/uncertainty reduction method because it is directed to post construction appraisals.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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